

HOUSE BILL 163

Q3

11r0137
CF SB 177

By: **The Speaker (By Request – Administration) and Delegates Barve, Hixson, Cardin, Kaiser, Rosenberg, Stein, ~~and F. Turner~~ F. Turner, Howard, Luedtke, Glass, George, Ivey, and Stukes**

Introduced and read first time: January 26, 2011

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2011

CHAPTER _____

1 AN ACT concerning

2 **Income Tax – Tax Credit for Electric Vehicle Recharging Equipment**

3 FOR the purpose of allowing a credit against the State income tax for certain qualified
4 electric vehicle recharging equipment for certain tax years; requiring the
5 Maryland Energy Administration to administer the tax credit program;
6 providing for the amount of tax credit certificates that may be issued by the
7 Administration; authorizing the Administration to adopt certain regulations;
8 transferring certain money from the Strategic Energy Investment Fund to the
9 General Fund in certain fiscal years; and generally relating to an income tax
10 credit for certain qualified electric vehicle recharging equipment.

11 BY adding to

12 Article – Tax – General

13 Section 10–729

14 Annotated Code of Maryland

15 (2010 Replacement Volume)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article – Tax – General**

19 **10–729.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
2 MEANINGS INDICATED.

3 (2) “ADMINISTRATION” MEANS THE MARYLAND ENERGY
4 ADMINISTRATION.

5 (3) “QUALIFIED ELECTRIC VEHICLE RECHARGING EQUIPMENT”
6 MEANS PROPERTY USED FOR THE RECHARGING OF MOTOR VEHICLES
7 PROPELLED BY ELECTRICITY THAT MEETS THE DEFINITION OF “QUALIFIED
8 ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY” IN § 30C OF THE
9 INTERNAL REVENUE CODE.

10 (B) FOR TAX YEARS 2011 THROUGH 2013 ONLY, AN INDIVIDUAL OR
11 CORPORATION THAT RECEIVES AN INITIAL CREDIT CERTIFICATE UNDER
12 SUBSECTION (D) OF THIS SECTION FROM THE ADMINISTRATION MAY CLAIM A
13 CREDIT AGAINST THE STATE INCOME TAX FOR A TAXABLE YEAR IN AN AMOUNT
14 EQUAL TO 20% OF THE COST OF ANY QUALIFIED ELECTRIC VEHICLE
15 RECHARGING EQUIPMENT PLACED IN SERVICE BY THE TAXPAYER DURING THE
16 TAXABLE YEAR.

17 (C) (1) FOR ANY TAXABLE YEAR, THE CREDIT ALLOWED UNDER THIS
18 SECTION MAY NOT EXCEED THE LESSER OF:

19 (I) \$400 FOR EACH INDIVIDUAL RECHARGING SYSTEM; OR

20 (II) THE STATE INCOME TAX FOR THAT TAXABLE YEAR.

21 (2) THE UNUSED AMOUNT OF THE CREDIT FOR ANY TAXABLE
22 YEAR MAY NOT BE CARRIED OVER TO ANY OTHER TAXABLE YEAR.

23 (D) (1) ON APPLICATION BY A TAXPAYER, THE ADMINISTRATION
24 SHALL ISSUE AN INITIAL CREDIT CERTIFICATE IN AN AMOUNT EQUAL TO 20% OF
25 THE ESTIMATED COST OF THE QUALIFIED ELECTRIC VEHICLE RECHARGING
26 EQUIPMENT TO BE PLACED IN SERVICE IN THE STATE BY THE TAXPAYER
27 DURING THE TAXABLE YEAR.

28 (2) THE INITIAL CREDIT CERTIFICATE ISSUED UNDER THIS
29 SUBSECTION SHALL STATE THE MAXIMUM AMOUNT OF CREDIT THAT MAY BE
30 CLAIMED BY THE TAXPAYER.

31 (3) THE CREDIT ALLOWED UNDER THIS SECTION IS LIMITED TO
32 THE ACQUISITION OF:

1 (I) 1 RECHARGING SYSTEM PER INDIVIDUAL; AND

2 (II) 30 RECHARGING SYSTEMS PER BUSINESS ENTITY.

3 (4) THE ADMINISTRATION MAY ISSUE TOTAL CREDIT
4 CERTIFICATES NOT TO EXCEED THE FOLLOWING AMOUNTS:

5 (I) FOR TAX YEAR 2011, \$400,000;

6 (II) FOR TAX YEAR 2012, \$500,000; AND

7 (III) FOR TAX YEAR 2013, \$600,000.

8 (5) ON JANUARY 1, 2012, AND EACH YEAR THE CREDIT IS
9 AUTHORIZED, THE ADMINISTRATION SHALL PROVIDE TO THE COMPTROLLER A
10 LIST OF ALL TAXPAYERS IN THE PRIOR TAX YEAR THAT HAVE BEEN ISSUED AN
11 INITIAL CREDIT CERTIFICATE AND SHALL SPECIFY FOR EACH TAXPAYER THE
12 MAXIMUM AMOUNT OF CREDIT ALLOWED.

13 (6) (I) THE ADMINISTRATION MAY ADOPT REGULATIONS TO
14 ADMINISTER THE INITIAL CREDIT CERTIFICATE REQUIRED UNDER THIS
15 SUBSECTION.

16 (II) THE REGULATIONS ADOPTED BY THE ADMINISTRATION
17 MAY INCLUDE A FURTHER LIMIT ON THE MAXIMUM AMOUNT OF CREDIT THAT
18 MAY BE CLAIMED BY THE TAXPAYER.

19 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any
20 other provision of law, the following amounts shall be transferred from the Strategic
21 Energy Investment Fund established under § 9–20B–05 of the State Government
22 Article to the General Fund to offset a reduction in revenues from the tax credit for
23 electric vehicle recharging equipment established under Section 1 of this Act:

24 (1) for fiscal year 2013, the lesser of \$400,000 or the total amount of
25 credit certificates issued in tax year 2011;

26 (2) for fiscal year 2014, the lesser of \$500,000 or the total amount of
27 credit certificates issued in tax year 2012; and

28 (3) for fiscal year 2015, the lesser of \$600,000 or the total amount of
29 credit certificates issued in tax year 2013.

30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 July 1, 2011.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.